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GENERAL ASSEMBLY
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Agenda items 79, 91 (j), 94,
95 and 146
REVIEW OF THE IMPLEMENTATION OF THE
DECLARATION ON THE STRENGTHENING
OF INTERNATIONAL SECURITY
DEVELOPMENT AND INTERNATIONAL ECONOMIC
COOPERATION: INTEGRATION OF THE
ECONOMIES IN TRANSITION INTO THE
WORLD ECONOMY
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REPORT OF THE SPECIAL COMMITTEE ON THE
CHARTER OF THE UNITED NATIONS AND ON
THE STRENGTHENING OF THE ROLE OF THE
ORGANIZATION

SECURITY COUNCIL
Forty-eighth year

Note verbale dated 27 September 1993 from the Permanent
Representative of Bulgaria to the United Nations
addressed to the Secretary-General

The Permanent Representative of the Republic of Bulgaria to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to transmit herewith the text of a declaration adopted by the National Assembly of the Republic of Bulgaria on 24 September 1993 regarding the special economic problems of Bulgaria as a result of the implementation of the sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) (see annex).

The Permanent Representative of Bulgaria would appreciate it if the text of the present letter and its annex were circulated as an official document of the General Assembly, under agenda items 79, 91 (j), 94, 95 and 146, and of the Security Council.

ANNEX

Declaration adopted by the National Assembly of the
Republic of Bulgaria on 24 September 1993

On 29 April 1993, the National Assembly of the Republic of Bulgaria adopted a declaration in support of the sanctions imposed by the Security Council in its resolution 820 (1993) of 17 April 1993 against the Federal Republic of Yugoslavia (Serbia and Montenegro).

In its recommendations of 2 July 1993, the Security Council Committee established pursuant to resolution 724 (1991) of 15 December 1991 concerning Yugoslavia commended Bulgaria for its strict compliance with the relevant Security Council resolutions.

The Helsinki Declaration adopted by the Parliamentary Assembly of the Conference on Security and Cooperation in Europe (CSCE) at its annual session (Helsinki, 5-9 July 1993), calls upon the CSCE and its participating States to contribute to the practical compensation, in appropriate forms, of the losses sustained by Bulgaria and other countries as a result of the strict implementation of the United Nations sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro).

Guided by its responsibility for upholding the high principles of the United Nations, Bulgaria implements strictly the Security Council resolutions with regard to the Federal Republic of Yugoslavia (Serbia and Montenegro) and will continue to do so in the future, despite the immense economic difficulties caused by the sanctions.

Along with this, the National Assembly noted that over the past three years, as a result of the sanctions of the international community against Iraq, Libya and the Federal Republic of Yugoslavia (Serbia and Montenegro), Bulgaria suffered and is still suffering enormous losses, which are to a large degree commensurate with the size of its foreign debt. These losses are aggravating the severe economic crisis the country is undergoing during the period of transition to a market economy. Unless ways are found to compensate for them, they will have a very serious negative effect on the economic development of Bulgaria for years to come.

Bearing in mind that the economic sanctions represent the last peaceful means of compelling the parties to observe the decisions of the international community, which will obviously be made use of in the future as well, the Bulgarian Parliament calls upon the General Assembly to speed up the elaboration of an effective mechanism for the implementation of Articles 49 and 50 of the Charter of the United Nations with a view to compensating for the losses of third countries incurred by the application of economic sanctions.

The Bulgarian National Assembly invites the international political and financial institutions to develop and implement measures for indirect compensation of the countries most severely affected by the sanctions. As regards Bulgaria, these measures could include:

(a) Providing facilitated and preferential access of Bulgarian goods and services to the markets of the industrialized countries;

(b) Financing long-term projects aimed at considerably improving the infrastructure;

(c) Encouraging Bulgaria's creditors to conclude agreements for the reduction and rescheduling of the country's foreign debt;

(d) Channelling international assistance and financial resources for the reconstruction of the economic structure of the former Yugoslav republics, which could be provided after the sanctions regime is lifted, through Bulgaria by making use of Bulgarian companies for the supply of goods and services;

(e) Adopting concrete measures on the part of the Governments of the industrialized countries aimed at promoting foreign investment in Bulgaria, as well as facilitating Bulgaria's access to sources of credit.

Highly appreciating the recommendations with regard to Bulgaria, made by the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia, the National Assembly of the Republic of Bulgaria calls upon the General Assembly to draw the attention of the Member States, international organizations and financial institutions to the need for urgent and effective assistance to overcome the serious losses which Bulgaria suffers.

This Declaration was adopted by the XXXVI National Assembly of the Republic of Bulgaria on 24 September 1993.



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HUMAN RIGHTS QUESTIONS

Letter dated 28 September 1993 from the Permanent Representative of
Cuba to the United Nations addressed to the Secretary-General

We have received document ST/SGB/Organization, dated 21 July 1993, distributed by the Secretariat and entitled "A description of the functions and organization of the Centre for Human Rights", which requires some comments and observations.

It should be recalled that on the occasion of the World Conference on Human Rights, held at Vienna in June 1993, during one of the tensest moments of the negotiations concerning the draft Final Declaration, the Cuban delegation participating in the Drafting Committee publicly requested the Secretariat to distribute, for the benefit of the discussion and of all delegations, an official document containing the mandate of the Centre for Human Rights.

To our surprise and that of quite a few delegations, the Secretariat stated that such a request could not be granted, on the grounds that the mandate of the Centre for Human Rights consisted of a large quantity of resolutions and decisions, adopted by the competent bodies during the more than 40 years that have elapsed since our Organization was founded, which could not be condensed into a single text.

You can thus understand our surprise at receiving, barely three weeks after the conclusion of the Conference, a document describing the organization and current functions of the Centre and replacing others with the same purpose, the most recent of which was prepared in 1982. This text has elicited a number of concerns, since it attempts to confer on the Centre for Human Rights functions which are not only totally alien to it, but which also conflict with what was agreed on at Vienna; moreover, the document in its entirety reflects a clear intention to assign to the Centre for Human Rights political and decision-making powers which impair the sovereign powers conferred on the General Assembly and the Economic and Social Council by the Charter of the United Nations and the wide variety of resolutions and decisions adopted by the relevant United Nations bodies.

Accordingly, the question arises as to the legislative basis for these new mandates which are to be given to the Centre. In other words, on the basis of which resolutions, declarations or decisions of the General Assembly and the Economic and Social Council - which are, be it said in passing, the only bodies, under the Charter, with special competence in human rights matters - has this document been drafted?

The section devoted to the mandates of the Centre for Human Rights (pp. 1-2) is a particularly graphic illustration of this attempt. We cannot agree, for example, that functions relating to peacemaking, peace-keeping and preventive diplomacy should be assigned to the Centre, when they have been clearly circumscribed by the General Assembly in the context of very clearly applied norms and principles and, moreover, constitute the mandate of bodies whose functions are very far removed from social and humanitarian issues.

Nor is it for the Centre for Human Rights to "follow up on the implementation of human rights instruments and standards", since these are prerogatives and functions of the bodies established under international treaties and agreements on the subject; and still less is it for the Centre to undertake, on its own initiative, fact-finding and investigative missions.

The section entitled "Organizational elements and their functions", which is closely linked to the preceding one, takes the same path. Here, too, we ask: by what mandate or decision does it fall to the Director of the Centre to develop the modalities for early-warning action, thus taking on what are, at best, the prerogatives of the Security Council?

Once again, it must be emphasized that my Government is most firmly of the view that, under the Charter of the United Nations, the Security Council has no role whatsoever in the humanitarian sphere. What is more, the Charter precludes the Council from dealing with such issues, defining its functions and powers clearly and restrictively in Article 24, paragraphs 1 and 2.

The paragraph of the above-mentioned section relating to the Special Procedures Branch gives this unit powers to organize and even prepare what are called "good offices and humanitarian interventions". Without entering into a substantive debate as to the so-called legality of this new modality of intervention, my Government has no choice but to reject such powers emphatically, believing, furthermore, that they exceed the role and specific functions of this Branch.

These are some of my Government's more general concerns with regard to document ST/SGB/Organization; they warrant a more thorough discussion, which we shall propose at the appropriate time. My Government would therefore be grateful if you would have this note circulated as an official document of the General Assembly under agenda item 114.

(Signed) Fernando RAMIREZ DE ESTEÑOZ
Permanent Representative of
Cuba to the United Nations
